

AUG 22 2005

Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Large Entity)

Docket No.  
38484-054 (BYRK-5)

In Re Application Of: Gary E. Rehm, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/844,815	April 30, 2001	Gary W. Counts	23630	1641	3326

Invention: URINARY TRYPSIN INHIBITOR ASSAY CONTAINING A CHELATING AGENT

Attention: Office of Petitions

08/24/2005 HGUTEMA1 00000004 09844815

Mail Stop PetitionCOMMISSIONER FOR PATENTS

01 FC: 1453 1500.00 DA

P.O. Box 1450Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

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OIPE/IAP

1.  A proposed reply to the above-identified notice or action:

AUG 24 2005

is enclosed.  was filed on \_\_\_\_\_

The proposed reply is in the form of: Issue and Publication Fees

2.  The issue fee:

is enclosed.  was paid on \_\_\_\_\_

3.  The abandoned application was a:

design application.  utility application.  plant application.

4.  A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5.  Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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**Calculation and Payment of Fees**

Enclosed are the following fees:

6.  Petition fee under 37 CFR 1.17(m) in the amount of: \$1,500.00

7.  Fee for amendment in the amount of: \_\_\_\_\_

8.  Fee for extension of time to respond to Office Action in the amount of: \_\_\_\_\_

9.  Issue fee in the amount of: \$1,400.00

10.  Continuing application filing fee in the amount of: \_\_\_\_\_

11.  Terminal disclaimer fee in the amount of: \_\_\_\_\_

12.  Publication Fee \$300.00

Total fees enclosed: \$3,200.00The fee of \$3,200 is to be paid as follows:

A check in the amount of the fee is enclosed.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 501133

Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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## Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.



Signature

Dated: August 22, 2005

Toby H. Kusner, P.C.

Reg. No. 26,418

McDermott Will &amp; Emery LLP

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CC:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

August 22, 2005

(Date) # 571.273.8300



Signature of Person Mailing Correspondence

Cynthia Joseph

Typed or Printed Name of Person Mailing Correspondence

McDermott  
Will & Emery LLP

Boston Brussels Chicago Düsseldorf London Los Angeles Miami Milan  
Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C.

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**Date:** August 22, 2005

**Time Sent:**

<b>To:</b>	<b>Company:</b>	<b>Facsimile No:</b>	<b>Telephone No:</b>
Mail Stop Issue Fee	Commissioner for Patents	1.571.273.8300	1.571.272.1757
<b>From:</b>	Toby H. Kusmer	<i>Direct Phone:</i>	617.535.4065
<i>E-Mail:</i>	tkusmer@mwe.com	<i>Direct Phone:</i>	617.535.4111
<i>Sent By:</i>	Cynthia Joseph	<i>Original to Follow by Mail:</i>	No
<i>Client/Matter/Tkpr:</i>	38484-054/5496	<i>Number of Pages, Including Cover:</i>	5

**Re:** In re Application of: Gary E. Rehm, et al.  
 Serial No.: 09/844,815  
 Filing Date: April 30, 2001  
 Title: Urinary Trypsin Inhibitor Assay Containing A Chelating Agent  
 Docket No.: 38484-054 (BYRK-5)  
 Examiner: Gary W. Counts  
 Art Unit No.: 1641

**Message:**

Please enter the following Petition For Revival Of An Application For Patent Abandoned Unintentionally and Issue and Publication Fees Transmittal response to the Notice of Abandonment of July 26, 2005.

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Main Facsimile: 617.535.3800 Facsimile Operator: 617.535.4000

U.S. practice conducted through McDermott Will & Emery LLP.  
 28 State Street Boston, Massachusetts 02109-1775 Telephone: 617.535.4000

PAGE 1/5 \* RCVD AT 8/22/2005 11:31:28 AM [Eastern Daylight Time]\* SVR:USPTO-EXRF-6/26 \* DNI:2738300 \* CSID:617 5353800 \* DURATION (mm:ss):01:38

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